

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**
(only for Continuation or Divisional
applications under 37 CFR 1.53(d))

Submit an original and a duplicate for
fee processing

Docket No.: P-SR 4301

Prior Application Info:
Examiner: K. Lacourciere
Group/Art Unit: 1635

Check box, if applicable:
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James Hoch
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

James Hoch
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

This is a request for filing a
___ continuation X divisional

application under 37 C.F.R. 1.53(d), of pending prior application
serial no. 09/557,796, filed on April 25, 2000.

Title: METABOLIC SELECTION METHODS

Inventor(s) (full name of each inventor): James Hoch and
Veronique Dartois

The above-identified prior application, in which no payment of
the issue fee, abandonment of, or termination of proceedings has
occurred, is hereby expressly abandoned as of the filing date of
this request for a CPA. The above-identified prior application is
a non-provisional application that is either: (1) complete as
defined by 37 CFR 1.51(b) or (2) the national stage of an
international application in compliance with 35 U.S.C. 371. A
CPA may only be filed in an application if the prior
nonprovisional application was filed before May 29, 2000.

1. ___ Enter the unentered amendment previously filed on
_____ under 37 C.F.R. 1.116 in the
prior nonprovisional application.
2. X A preliminary amendment is enclosed.
3. Small entity status:
 - a. ___ A small entity statement is enclosed.
 - b. ___ A small entity statement was filed in the prior
nonprovisional application, serial no. _____,
and such status is still proper and desired.
 - c. ___ is no longer claimed.
4. The prior application is assigned of record to
MICROGENOMICS, INC.

05/16/2002 CV0111 00000094 09557796

01 FC:131
02 FC:103

740.00 OP
54.00 OP

Inventors: Hoch and Dartois
Serial No.: 09/557,796
Filing Date: April 25, 2000
Page 2

5. The power of attorney in the prior application is to Cathryn Campbell, Reg. No. 31,815 and Melanie K. Webster, Reg. No. 45,201.

6. ☐ A new power of attorney or authorization of agent is enclosed.

7. This application is filed by fewer than all the inventors named in the prior application (37 CFR 1.53(d)(4)).

a. ☐ DELETE the following inventor(s) in the prior nonprovisional application: _____

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

8. ☒ A return receipt postcard is enclosed.

9. ☒ A Patent Application Bibliographic Data Sheet is enclosed.

10. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A) is enclosed.

11. ☐ Request for Nonpublication and Certification is enclosed.

The filing fee is calculated below:

	NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS	23 - 20	=	3	x	\$9 \$18	\$54.00
INDEPENDENT CLAIMS	2 - 3	=	0	x	\$42 \$84	0
MULTIPLE DEPENDENT CLAIMS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					\$140 \$280	0
BASIC FEE					\$370 \$740	\$740.00
TOTAL FEE						\$794.00

12. ☒ A check in the amount of \$794.00 is enclosed.

13. ☐ The filing fee is not enclosed. Do not charge our deposit account.

14. ☒ The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

15. ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

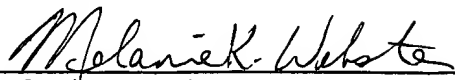
Inventors: Hoch and Dartois
Serial No.: 09/557,796
Filing Date: April 25, 2000
Page 3

Address all future communications to:

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San Diego, California 92122
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facsimile: (858) 535-8949
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: May 13, 2002


Melanie K. Webster
Registration No. 45,201
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122

 inventor(s)

 X attorney or agent of record

 assignee of complete
 interest

 filed under Sec. 1.34(a)



PATENT
Our Docket: P-SR 4301

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In re Application of:)
Hoch and Dartois) Examiner: K. Lacourciere
Serial No.: 09/557,796) Group Art Unit: 1635
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Sir:

Brian Ho
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)
Brian Ho
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

PRELIMINARY AMENDMENT

Responsive to the final Office Action mailed
February 13, 2002, entry of the following amendments and
consideration of the following remarks are respectfully
requested.

AMENDMENTS

In the specification:

Please amend the specification at page 1, line 6, to
insert the following two sentences:

--This invention was made with government support under
Cooperative Agreement 70NANB5H1138 and ATP NIST Project
Identification Number 1995-05-0007E awarded by the Advanced



Document: PATENT APPLICATION
BIBLIOGRAPHIC DATA SHEET
Attorney Docket No.: P-SR 4301

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Brian Ho
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Brian Ho
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